

ESTTA Tracking number: **ESTTA574742**

Filing date: **12/05/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91207899
Party	Defendant Soffin, Yessenia
Correspondence Address	MATTHEW H SWYERS THE TRADEMARK COMPANY 344 MAPLE AVENUE WEST, SUITE 151 VIENNA, VA 22180-5612 UNITED STATES mswyers@thetrademarkcompany.com, jamier@thetrademarkcompany.com
Submission	Opposition/Response to Motion
Filer's Name	Matthew Swyers
Filer's e-mail	mswyers@TheTrademarkCompany.com
Signature	/Matthew H. Swyers/
Date	12/05/2013
Attachments	Opp's Motion for Sum Judgment.pdf(2256297 bytes) Opposition to Motion for Summary Judgment Exhibits.pdf(1059600 bytes)

ESTTA Tracking number: **ESTTA568375**

Filing date: **10/31/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91207899
Party	Plaintiff PartyGaming IA Limited
Correspondence Address	SCOTT W JOHNSTON MERCHANT & GOULD PC PO BOX 2910 MINNEAPOLIS, MN 55402-0910 UNITED STATES dmattessich@merchantgould.com, dockmpls@merchantgould.com
Submission	Motion for Summary Judgment
Filer's Name	Danielle I. Mattessich
Filer's e-mail	dockmpls@merchantgould.com, sjohnston@merchantgould.com, dmattessich@merchantgould.com
Signature	/daniellemattessich/
Date	10/31/2013
Attachments	PARTY MSJ.pdf(2200971 bytes)

ENTRIES OF THE PATENT AND TRADE
MARK TRIAL BOARD

1207899

Party Gam Opposition No. 9

PEAR POKER

Mark: PAROP

1,885

v.

Serial No.: 85/57

ch 16, 2012

Yessenia Siffing Date: Mar

4a0012

Published: App

travable might the ponds say as the result of the

Board. The Gov. Board of the State of New York

is Board of the State of New York, New York, 1990


and the other is a public body of the State of New York

and the other is a public body of the State of New York

and the other is a public body of the State of New York

and the other is a public body of the State of New York

specimen of use (filed with its trademark application) with the content posted on Opposer's website prior to the filing date of Applicant's application (taken from archive.org).

36. Applicant relied upon and deliberately copied elements of Opposer's mark when creating and designing Applicant's mark.
37. Applicant selected Applicant's mark with the intent to cause a likelihood of confusion, mistake or deception with Opposer's mark, and to trade on Opposer's good will.
38. Instances of actual confusion between Applicant's mark and Opposer's mark would damage Opposer.
39. Applicant is aware of actual confusion that has occurred, or is occurring, between Applicant's mark and Opposer's mark.
40. Applicant's PARTY STAR POKER mark is confusingly similar to Opposer's  mark.
41. Applicant's mark creates a false perception that Applicant's services are affiliated with, provided by, or endorsed by Opposer when the same is not true.
42. Opposer will be damaged by the registration of the mark in U.S. App. No. 85/571885. See Exhibit A (Opposer's First Set of Requests for Admissions).

Given that Applicant has admitted that Opposer has priority, that the parties' goods and services are related, and that the parties' marks are confusingly similar, there is no genuine issue of material fact as to whether Opposer is likely to be damaged by registration of Applicant's mark to Applicant. Consequently, Opposer respectfully requests that its Motion for Summary Judgment be granted.

In the event the Board denies this Motion for Summary Judgment, Opposer requests that the discovery and trial dates be extended sixty (60) days from the date of the Board's decision on this motion.

Respectfully submitted,

PARTYGAMING IA LIMITED

By its Attorneys,

Date: 10-31-13

A handwritten signature in blue ink, appearing to read "S. Johnston", is written over a horizontal line.

Scott W. Johnston
Danielle L. Mattessich
MERCHANT & GOULD P.C.
80 South Eighth Street, Suite 3200
Minneapolis, MN 55402-2215
(612) 332-5300

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION FOR SUMMARY JUDGMENT was served upon the following attorney for Applicant by First Class Mail, postage prepaid, this 31st day of October, 2013.

MATTHEW H SWYERS
THE TRADEMARK COMPANY
344 MAPLE AVENUE WEST, SUITE 151
VIENNA, VA 22180-5612



Scott W. Johnston

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PartyGaming IA Limited,)	Opposition No. 91207899
)	
Opposer,)	Mark: PARTY STAR POKER
)	
v.)	Serial No.: 85/571,885
)	
Yessenia Soffin,)	Filing Date: March 16, 2012
)	
Applicant.)	Published: July 24, 2012

OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Opposer, PartyGaming IA Limited, requests that Applicant, Yessenia Soffin, respond by admitting the truthfulness of the matters set forth below, within the time specified by the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

DEFINITIONS AND INSTRUCTIONS

The Definitions and Instructions included in Opposer's First Set of Interrogatories are incorporated herein by reference.

MATTERS TO BE ADMITTED

1. Opposer has used its **PARTYPOKER** mark in the U.S. since at least July 1, 2001.
2. Opposer' use of its mark has been continuous and uninterrupted since at least July 1, 2001 with respect to computer game software distributed via the Internet; electronic newsletters distributed via the Internet and electronic mail, and arranging, organizing and conducting entertainment services in the form of online contests and games of chance.
3. A Certificate of Registration, No. 2,986,410 issued for Opposer's **PARTYPOKER** mark on August 16, 2005.

4. U.S. Reg. No. 2,986,410 is incontestable and serves as conclusive evidence of the validity of the registered mark and of the registration of the **PARTYPOKER** mark, of Opposer's ownership of the **PARTYPOKER** mark, and of Opposer's exclusive right to use the registered **PARTYPOKER** mark.
5. Opposer's use of its **PARTYPOKER** mark commenced over ten (10) years before Applicant began using its PARTY STAR POKER mark.
6. Opposer's **PARTYPOKER** mark registered over six (6) years before Applicant filed its PARTY STAR POKER trademark application.
7. Opposer has priority of use over Applicant with respect to marks that include the term PARTY and its phonetic equivalents for gambling and related casino and gaming services.
8. Opposer's mark is well known.
9. Opposer's mark is extremely valuable.
10. Opposer offers "computer game software distributed via the Internet; and electronic newsletters distributed via the Internet and electronic mail" and "arranging, organizing and conducting entertainment services in the form of online contests and games of chance" under the **PARTYPOKER** brand.
11. Consumers of online games of chance and online contents associate Opposer with the mark **PARTYPOKER**.
12. Applicant offered "gambling services" and/or "a web-based system and online portal for customers to participate in online gambling, operation and coordination of game

BARBERS AND GROOMERS, INC. v. AMERICAN BARBERS ASSOCIATION, 120 F.3d 1091 (9th Cir. 1997).

Use of Trademark App. Sec. 12 (15 U.S.C. § 1114).

currently color-registered system does not

operate as a trademark or service mark for the


BARBERS AND GROOMERS, INC. v. AMERICAN BARBERS ASSOCIATION, 120 F.3d 1091 (9th Cir. 1997).

BARBERS AND GROOMERS, INC. v. AMERICAN BARBERS ASSOCIATION, 120 F.3d 1091 (9th Cir. 1997).

real-time computerized system and online

BARBERS AND GROOMERS, INC. v. AMERICAN BARBERS ASSOCIATION, 120 F.3d 1091 (9th Cir. 1997).

22. Applicant and/or ISocial Media LLC approached Opposer about an opportunity to advertise in POKER PRO magazine/website.
23. Applicant and/or ISocial Media LLC approached Opposer about an opportunity to advertise in POKER PRO magazine/website on or before October 2011.
24. Applicant was aware of Opposer and Opposer's **PARTYPOKER** mark prior to October 2011.
25. Applicant's mark and Opposer's mark both include the terms PARTY and POKER.
26. The dominant part of Applicant's mark and Opposer's mark is the term PARTY.
27. The mark PARTY STAR POKER is similar in sound to the mark **PARTYPOKER**.
28. The mark PARTY STAR POKER is similar in appearance to the mark **PARTYPOKER**.
29. The mark PARTY STAR POKER is similar in meaning to the mark **PARTYPOKER**.
30. The mark PARTY STAR POKER connotes a similar commercial impression as the mark **PARTYPOKER**.
31. Applicant's services are offered and/or will be offered in the same channels of trade as Opposer's goods and services.
32. Applicant's services are offered and/or will be offered to the same consumers as Opposer's goods and services.
33. Applicant's PARTY STAR POKER products/services are offered on (or will be offered on) and/or advertised (or will be advertised) on the same Internet websites, as demonstrated by the attached documents from software.informer attached an **Exhibit A** containing a link to Opposer's **PARTYPOKER** services on a web page where Applicant's PARTY STAR POKER software will be available for download.

34. Applicant was aware of Opposer's mark when selecting Applicant's mark.
35. Applicant relied upon and copied some of the content of Opposer's website at partypoker.com when creating and designing Applicant's partystarpoker.com website, as evidenced by the attached exhibits (**Exhibit B**) comparing the content of Applicant's specimen of use (filed with its trademark application) with the content posted on Opposer's website prior to the filing date of Applicant's application (taken from archive.org).
36. Applicant relied upon and deliberately copied elements of Opposer's mark when creating and designing Applicant's mark.
37. Applicant selected Applicant's mark with the intent to cause a likelihood of confusion, mistake or deception with Opposer's mark, and to trade on Opposer's good will.
38. Instances of actual confusion between Applicant's mark and Opposer's mark would damage Opposer.
39. Applicant is aware of actual confusion that has occurred, or is occurring, between Applicant's mark and Opposer's mark.
40. Applicant's PARTY STAR POKER mark is confusingly similar to Opposer's  mark.
41. Applicant's mark creates a false perception that Applicant's services are affiliated with, provided by, or endorsed by Opposer when the same is not true.
42. Opposer will be damaged by the registration of the mark in U.S. App. No. 85/571885.
43. The documents produced by Applicant in response to Opposer's First Request for Production of Documents and Things and First Set of Interrogatories are authentic, original documents, or true and correct copies of authentic, original documents.

44. Applicant has plans to use Applicant's mark in connection with products and/or services other than "gambling services" and/or "a web-based system and online portal for customers to participate in online gambling, operation and coordination of game tournaments, leagues and tours".
45. Consumers encountering PARTY STAR POKER gambling and entertainment services will falsely conclude that the services of Applicant originate from, are sponsored by or affiliated with Opposer.
46. Documents produced by Applicant are original, authentic documents, or true and correct copies of original, authentic documents.
47. Documents produced by Applicant were made by a person with knowledge of, or made from information transmitted by a person with knowledge of, the acts and events appearing in them.
48. Documents produced by Applicant were made at or near the time of the acts and events appearing in them.
49. It is the regular practice of Applicant to make the documents produced by Applicant.
50. The documents produced by Applicant were kept in the course of a regularly conducted business activity.

PARTYGAMING IA LIMITED

By its attorneys,

Date: 6-13-13



Scott W. Johnston
Danielle I. Mattessich
MERCHANT & GOULD P.C.
80 South Eighth Street, Suite 3200
Minneapolis, Minnesota 55402-2215
Telephone: (612) 332-5300
sjohnston@merchantgould.com

CERTIFICATE OF SERVICE

POSER'S FIRST SET OF the foregoing OBJECTIONS was served on the following witnesses, by first class pre-paid email and first class mail, on or about 10/1/11:

Company

Ste. 151

180-5612

markcompany.com

Matthew H. Swyers

The Trademark Company

344 Maple Ave W.,

Vienna, Virginia 22182

mshwyers@thetrademarkcompany.com

Matthew H. Swyers

EXHIBIT A

[Windows](#)[Mac](#)[Android](#)[Answers](#)[Forum](#)[Log in](#) | [Register](#)

Party Star Poker 3.6

[Home](#) > [Other](#)

We Recommend: [Get 100% Free Cloud Storage!](#)



Discover
best software in one place

Before you Continue:

Run a **FREE** scan for Outdated Drivers

Run a FREE Scan Now

We Recommend: [Slow PC? Update Your Drivers Now!](#)

Click the link below to proceed to the intended program's page:

[Download from partystarpoker.com](#)



fx-Calc

fx-Calc lets you define, visualize and calculate scientific functions.



Red Star Poker

Come sit down and enjoy online poker with competition from around the world



CelebPoker

CelebPoker is the online poker room choice for poker players.



PartyPokerNet

Party Poker is one of the most renowned online poker rooms.



FreePHG

FreePHG grabs .hhf files from Party Poker and save them to disk.

[Windows](#)

[Mac](#)

[Android](#)

[Answers](#)

[Forum](#)

[Log in](#) | [Register](#)



PartyPokerNet

[Home](#) > [Games & Entertainment](#) > [Casino & Gambling](#)

trusted
DOWNLOAD
751.92 KB

2.5 (2 votes)
Click to rate

2.4



This program
received 2 awards

[PartyGaming.Net](#)

125 [All versions](#)

Downloaded:
927 times

751.92 KB

[www.partypoker.com](#)

Freeware

37 people

[Questions & answers](#)

[Wiki](#)

[Suggest a correction](#)



Update
your applications instantly

Screenshots



[View all](#)

Editorial review



Claudia Liliana Timmer
Senior editor

[Comments](#)

Party Poker, part of the Party Gaming family, is one of the most renowned online poker rooms. Whether you are a Poker fan or a beginner, there is something for everyone at Party Poker. You will find ring games, where players can compete with one another in single-table tournaments, and multi-table tournaments. For beginners, there are several ways to make you acquainted with the rules, such as online video tutorials, with the basics of poker, poker tips and more. For usual players, there is a Poker Trainer that will help improve your skills and strategic abilities. To play at Poker Party, you need to download a software and create an account. This software is available in 12 languages. Party Poker players have to pay a fee for every hand of real money they play, which means that you can also practise and play for fun before deciding to play for real. Party Poker offers lots of promotions and imaginative bonus for new players, such a welcome bonus up to \$500, with a minimum deposit of \$25. One of the most important aspects is that it provides their customers a secure and confidential gaming experience, as the software has the highest standards in encryption technologies to assure security and integrity of personal data and accounts. In addition, players have a 24/7 customer care, to contact via telephone or email.

Search...

Like 1 0 Tweet 0



fx-Calc

fx-Calc lets you define, visualize and calculate scientific functions.



VPN Clients: Privacy Protected (?)



Pick the Best App for CD Labeling



Repair Tools: Save Your Videos

[All articles](#)



Download
Software informer client

Download the latest version of the software
for Windows and Mac OS X

Have a question?

Type your question...

[Ask on answers.informer](#)

The software, in spite of being plain and simple, is very easy to use and intuitive. Once it is running, is quite fast, however you may experience some delays when the software main screen is loading.

Pros

- * easy to use
- * 24/7 customers care
- * good sign up bonus

Cons

- software loading may be rather slow

This software was checked for viruses and was found to be clean. Click [here](#) to see antivirus report.

trusted
DOWNLOAD
751.92 KB

Leave a comment

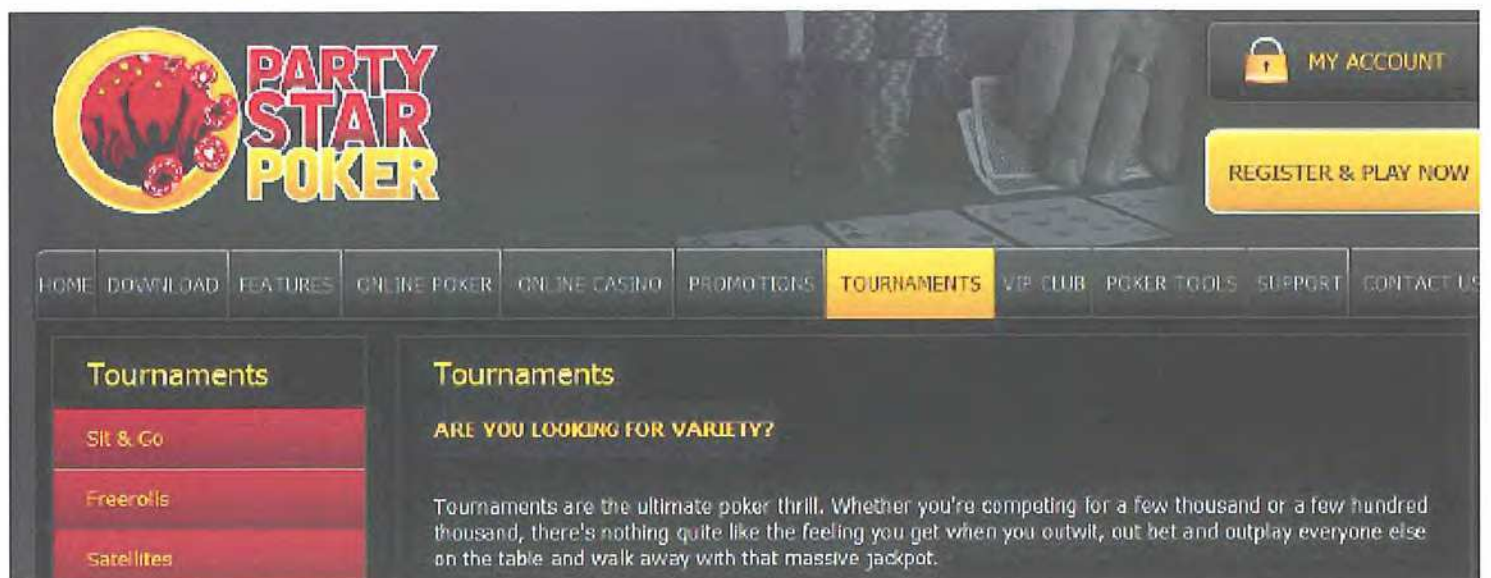
Add comment

EXHIBIT B

<http://web.archive.org/web/20120103150138/http://www.partypoker.com/tournaments.html>



SPECIMEN OF USE



http://web.archive.org/web/20120101081311/http://www.partypoker.com/tournaments/tournament_basics.html



SPECIMEN OF USE

Rebuy

At Party Star Poker, we offer more tournaments and bigger prize pools than any other poker site. If you've never played in a poker tournament before, here's everything you need to know. The concept of a

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

Serial No. 85/571,885,
For the mark: PARTY STAR POKER,

Party Gaming IA Limited,

Opposer,

vs.

Yessina Soffin,

Applicant.

:
:
:
:
:
:
:
:
:
:

Opposition No. 91207899

**APPLICANT'S RESPONSES TO
OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS**

COMES NOW the Applicant Yessina Soffin, by counsel, and provides the following responses to Opposer Party Gaming IA Limited's requests for admissions stating as follows.

MATTERS TO BE ADMITTED

1. Opposer has used its **PARTYPOKER** mark in the U.S. since at least July 1, 2001.

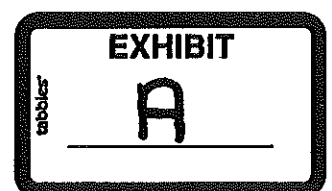
Response: Denied.

2. Opposer' use of its mark has been continuous and uninterrupted since at least July 1, 2001 with respect to computer game software distributed via the Internet; electronic newsletters distributed via the Internet and electronic mail, and arranging, organizing and conducting entertainment services in the form of online contests and games of chance.

Response: Denied.

3. A Certificate of Registration, No. 2,986,410 issued for Opposer's **PARTYPOKER** mark on August 16, 2005.

Response: Admitted.



4. U.S. Reg. No. 2,986,410 is incontestable and serves as conclusive evidence of the validity of the registered mark and of the registration of the **PARTYPOKER** mark, of Opposer's ownership of the **PARTYPOKER** mark, and of Opposer's exclusive right to use the registered **PARTYPOKER** mark.

Response: Denied.

5. Opposer's use of its **PARTYPOKER** mark commenced over ten (10) years before Applicant began using its PARTY STAR POKER mark.

Response: Denied.

6. Opposer's **PARTYPOKER** mark registered over six (6) years before Applicant filed its PARTY STAR POKER trademark application.

Response: Admitted.

7. Opposer has priority of use over Applicant with respect to marks that include the term PARTY and its phonetic equivalents for gambling and related casino and gaming services.

Response: Denied.

8. Opposer's mark is well known.

Response: Denied.

9. Opposer's mark is extremely valuable.

Response: Denied.

10. Opposer offers "computer game software distributed via the Internet; and electronic newsletters distributed via the Internet and electronic mail" and "arranging, organizing and conducting entertainment services in the form of online contests and games of chance" under the **PARTYPOKER** brand.

Response: Denied.

11. Consumers of online games of chance and online contents associate Opposer with the mark **PARTYPOKER**.

Response: Denied.

12. Applicant offered "gambling services" and/or "a web-based system and online portal for customers to participate in online gambling, operation and coordination of game tournaments, leagues and tours" under the PARTY STAR POKER brand on March 16, 2012 (the filing date of Trademark App. Serial No. 85/571885).

Response: Admitted.

13. Applicant does not currently offer "gambling services" and/or "a web-based system and online portal for customers to participate in online gambling, operation and coordination of game tournaments, leagues and tours" under the PARTY STAR POKER brand.

Response: Admitted.

14. Applicant has no intentions of resuming use of the PARTY STAR POKER

mark on "gambling services" and/or "a web-based system and online portal for customers to participate in online gambling, operation and coordination of game tournaments, leagues and tours."

Response: Denied.

15. Applicant uses the PARTY STAR POKER mark, or intends to use the PARTY STAR POKER mark, in connection with computer game software distributed via the Internet.

Response: Denied.

16. In October 2006, The Unlawful Internet Gambling Enforcement Act (**UIGEA**) was passed, prohibiting gambling businesses from knowingly accepting payments in connection with the participation of another person in a bet or wager that involves the use of the Internet and that is unlawful under any federal or state law.

Response: Applicant is without knowledge of this specific law and its passage date, if any. This would be a matter of judicial record. However, to the extent a response is required it is denied only as to Applicant's knowledge of the same.

17. After the enactment of UIGEA, Opposer was prohibited from knowingly accepting payments in connection with the participation of another person in a bet or wager that involves the use of the Internet and that is unlawful under any federal or state law.

Response: Applicant is without knowledge of the legality of Opposer's acts and services. However, to the extent a response is required it is admitted insofar as the Opposer appears to be admitted that its own acts were illegal following the passage of this legislation.

18. After the enactment of UIGEA, Opposer was prohibited from offering online gambling services in the U.S.

Response: Applicant is without knowledge of the legality of Opposer's acts and services. However, to the extent a response is required it is admitted insofar as the Opposer appears to be admitted that its own acts were illegal following the passage of this legislation.

19. Applicant is affiliated with !Social Media LLC.

Response: Admitted.

20. Applicant is Managing Member of !Social Media LLC.

Response: Admitted.

21. Applicant assigned the POKER PRO trademark, U.S. Reg. No. 4241118 to !Social Media LLC on or about March 8, 2013.

Response: Admitted.

22. Applicant and/or !Social Media LLC approached Opposer about an opportunity to advertise in POKER PRO magazine/website.

Response: Admitted.

23. Applicant and/or !Social Media LLC approached Opposer about an opportunity to advertise in POKER PRO magazine/website on or before October 2011.

Response: Admitted.

24. Applicant was aware of Opposer and Opposer's **PARTYPOKER** mark prior to October 2011.


Response: Admitted only as to knowledge of existence outside of the U.S. Denied otherwise.

25. Applicant's mark and Opposer's mark both include the terms PARTY and POKER.

Response: Admitted.

26. The dominant part of Applicant's mark and Opposer's mark is the term PARTY.


Response: Denied.

27. The mark PARTY STAR POKER is similar in sound to the mark  .


Response: Denied.

28. The mark PARTY STAR POKER is similar in appearance to the mark  .

Response: Denied.

29. The mark PARTY STAR POKER is similar in meaning to the mark  .

Response: Denied.

30. The mark PARTY STAR POKER connotes a similar commercial impression as the mark  .

Response: Denied.

31. Applicant's services are offered and/or will be offered in the same channels of trade as Opposer's goods and services.

Response: Denied.

32. Applicant's services are offered and/or will be offered to the same consumers as Opposer's goods and services.

Response: Denied.

33. Applicant's PARTY STAR POKER products/services are offered on (or will be offered on) and/or advertised (or will be advertised) on the same Internet

websites, as demonstrated by the attached documents from software.informer attached in **Exhibit A** containing a link to Opposer's PARTYP0KER services on a web page where Applicant's PARTY STAR POKER software will be available for download.

Response: Denied.

34. Applicant was aware of Opposer's mark when selecting Applicant's mark.

Response: Admitted.

35. Applicant relied upon and copied some of the content of Opposer's website at partypoker.com when creating and designing Applicant's partystarpoker.com website, as evidenced by the attached exhibits (**Exhibit B**) comparing the content of Applicant's specimen of use (filed with its trademark application) with the content posted on Opposer's website prior to the filing date of Applicant's application (taken from archive.erg).

Response: Denied.

36. Applicant relied upon and deliberately copied elements of Opposer's mark when creating and designing Applicant's mark.

Response: Denied.

37. Applicant selected Applicant's mark with the intent to cause a likelihood of confusion, mistake or deception with Opposer's mark, and to trade on Opposer's good will.

Response: Denied.

38. Instances of actual confusion between Applicant's mark and Opposer's

mark would damage Opposer.

Response: Denied.

39. Applicant is aware of actual confusion that has occurred, or is occurring, between Applicant's mark and Opposer's mark.

Response: Denied.

40. Applicant's PARTY STAR POKER mark is confusingly similar to Opposer's

PARTYPOKER mark.

Response: Denied.

41. Applicant's mark creates a false perception that Applicant's services are affiliated with, provided by, or endorsed by Opposer when the same is not true.

Response: Denied.

42. Opposer will be damaged by the registration of the mark in U.S. App. No. 85/571885.

Response: Denied.

43. The documents produced by Applicant in response to Opposer's First Request for Production of Documents and Things and First Set of Interrogatories are authentic, original documents, or true and correct copies of authentic, original documents.

Response: Admitted.

44. Applicant has plans to use Applicant's mark in connection with products and/or services other than "gambling services" and/or "a web-based system and online

portal for customers to participate in online gambling, operation and coordination of game tournaments, leagues and tours".

Response: Admitted.

45. Consumers encountering PARTY STAR POKER gambling and entertainment services will falsely conclude that the services of Applicant originate from, are sponsored by or affiliated with Opposer.

Response: Denied.

46. Documents produced by Applicant are original, authentic documents, or true and correct copies of original, authentic documents.

Response: Admitted.

47. Documents produced by Applicant were made by a person with knowledge of, or made from information transmitted by a person with knowledge of, the acts and events appearing in them.

Response: Admitted.

48. Documents produced by Applicant were made at or near the time of the acts and events appearing in them.

Response: Admitted.

49. It is the regular practice of Applicant to make the documents produced by Applicant.

Response: Admitted.

50. The documents produced by Applicant were kept in the course of a regularly conducted business activity.

Response: Admitted.

DATED this 18th day of July 2013.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esq.

344 Maple Avenue West, Suite 151

Vienna, VA 22180

Tel. (800) 906-8626 x100

Facsimile (270) 477-4574

mswyers@TheTrademarkCompany.com

Counsel for Applicant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

Serial No. 85/571,885,
For the mark: PARTY STAR POKER,

Party Gaming IA Limited,

Opposer,

vs.

Yessina Soffin,

Applicant.

:
:
:
:
:
:
:
:
:
:
:

Opposition No. 91207899

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 18th day of July
2013, to be served, via first class mail, postage prepaid, upon:

Scott W. Johnston
Merchant & Gould, P.C.
80 South Eighth Street, Suite 3200
Minneapolis, MN 55402

/Matthew H. Swyers/
Matthew H. Swyers

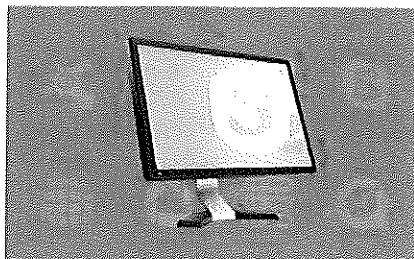
EXHIBIT A



Party Star Poker 3.6

[Home](#) » [Other](#)

We Recommend: [Get 100% Free Cloud Storage!](#)



Discover
best software in one place

Before you Continue:

Run a **FREE** scan for Outdated Drivers

Run a FREE Scan Now

We Recommend: [Slow PC? Update Your Drivers Now!](#)

Click the link below to proceed to the intended program's page:

[Download from partystarpoker.com](#)



fx-Calc

fx-Calc lets you define, visualize and calculate scientific functions.



Red Star Poker

Come sit down and enjoy online poker with competition from around the world



CelebPoker

CelebPoker is the online poker room choice for poker players.



PartyPokerNet

Party Poker is one of the most renowned online poker rooms.



FreePHG

FreePHG grabs .hkf files from Party Poker and save them to disk.



PartyPokerNet

Home » Games & Entertainment » Casino & Gambling

Trusted

DOWNLOAD

751.92 KB

2.5 (2 votes)

Click to rate

2.4



This program
received 2 awards

PartyGaming.Net

125 All versions

Downloaded:
927 times

751.92 KB

www.partypoker.com

Freeware

37 people

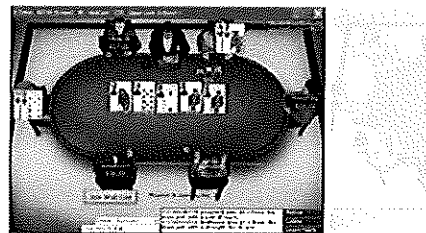
[Questions & answers](#)

[Wiki](#)

[Suggest a correction](#)



Screenshots



[View all](#)

Editorial review

[Comments](#)



Claudia Liliana Timmer
Senior editor

Party Poker, part of the Party Gaming family, is one of the most renowned online poker rooms.

Whether you are a Poker fan or a beginner, there is something for everyone at Party Poker. You will find ring games, where players can compete with one another in single-table tournaments, and multi-table tournaments. For beginners, there are several ways to make you acquainted with the rules, such as online video tutorials, with the basics of poker, poker tips and more. For usual players, there is a Poker Trainer that will help improve your skills and strategic abilities.

To play at Poker Party, you need to download a software and create an account. This software is available in 12 languages. Party Poker players have to pay a fee for every hand of real money they play, which means that you can also practise and play for fun before deciding to play for real. Party Poker offers lots of promotions and imaginative bonus for new players, such a welcome bonus up to \$500, with a minimum deposit of \$25. One of the most important aspects is that it provides their customers a secure and confidential gaming experience, as the software has the highest standards in encryption technologies to assure security and integrity of personal data and accounts. In addition, players have a 24/7 customer care, to contact via telephone or email.

Search...

Like **1**

0

Tweet **0**



fx-Calc

fx-Calc lets you define, visualize and calculate scientific functions.



VPN Clients: Privacy Protected (?)



Pick the Best App for CD Labeling



Repair Tools: Save Your Videos

[» All articles](#)



Download
Software informer client

It's free and installs in seconds
For Windows XP, Vista, 7 and 8

Have a question?

Type your question...

Ask on answers.informer

The software, in spite of being plain and simple, is very easy to use and intuitive. Once it is running, is quite fast, however you may experience some delays when the software main screen is loading.

Pros

- + easy to use
- + 24/7 customers care
- + good sign up bonus

Cons

- software loading may be rather slow

This software was checked for viruses and was found to be clean. Click [here](#) to see antivirus report.

trusted
DOWNLOAD
751.92 KB

Leave a comment

Add comment

EXHIBIT B

<http://web.archive.org/web/20120103150138/http://www.partypoker.com/tournaments.html>

Online Poker Tournaments - Rules and Schedules from PartyPoker.com - Windows Internet Explorer

http://web.archive.org/web/20120103150138/http://www.partypoker.com/tournaments.html

< Add your logo > Search Go

Favorites Suggested Sites Trademarks Home Trademark Manual of Exa... Online Filing Trademark E... TARR Home Page USPTO, ESTTA, Filing Type

Online Poker Tournaments - Rules and Schedules...

INTERNET ARCHIVE waybackmachine http://www.partypoker.com/tournaments.html Go JAN 3 2012 PartyPoker.com

PARTYPOKER

Over 30 million Downloads since 2001

About us | Contact us

Download How to Play Promotions **Tournaments** VIP & Rewards Poker Hub

[Home](#) > [Tournaments](#)

Tournaments

Tournaments are the ultimate poker thrill. Whether you're competing for a few thousand or a few hundred thousand, there's nothing quite like the feeling you get when you outsmart, out bet and outplay everyone else on the table and walk away with that jackpot!

Play

Tournament

SPECIMEN OF USE

 **PARTY STAR POKER**

MY ACCOUNT

REGISTER & PLAY NOW

HOME DOWNLOAD FEATURES ONLINE POKER ONLINE CASINO PROMOTIONS **TOURNAMENTS** VIP CLUB POKER TOOLS SUPPORT CONTACT US

Tournaments

SIT & Go

Freerolls

Satellites

Tournaments

ARE YOU LOOKING FOR VARIETY?

Tournaments are the ultimate poker thrill. Whether you're competing for a few thousand or a few hundred thousand, there's nothing quite like the feeling you get when you outwit, out bet and outplay everyone else on the table and walk away with that massive jackpot.

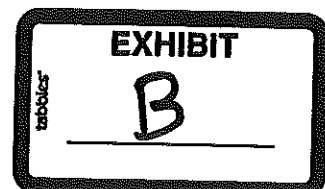
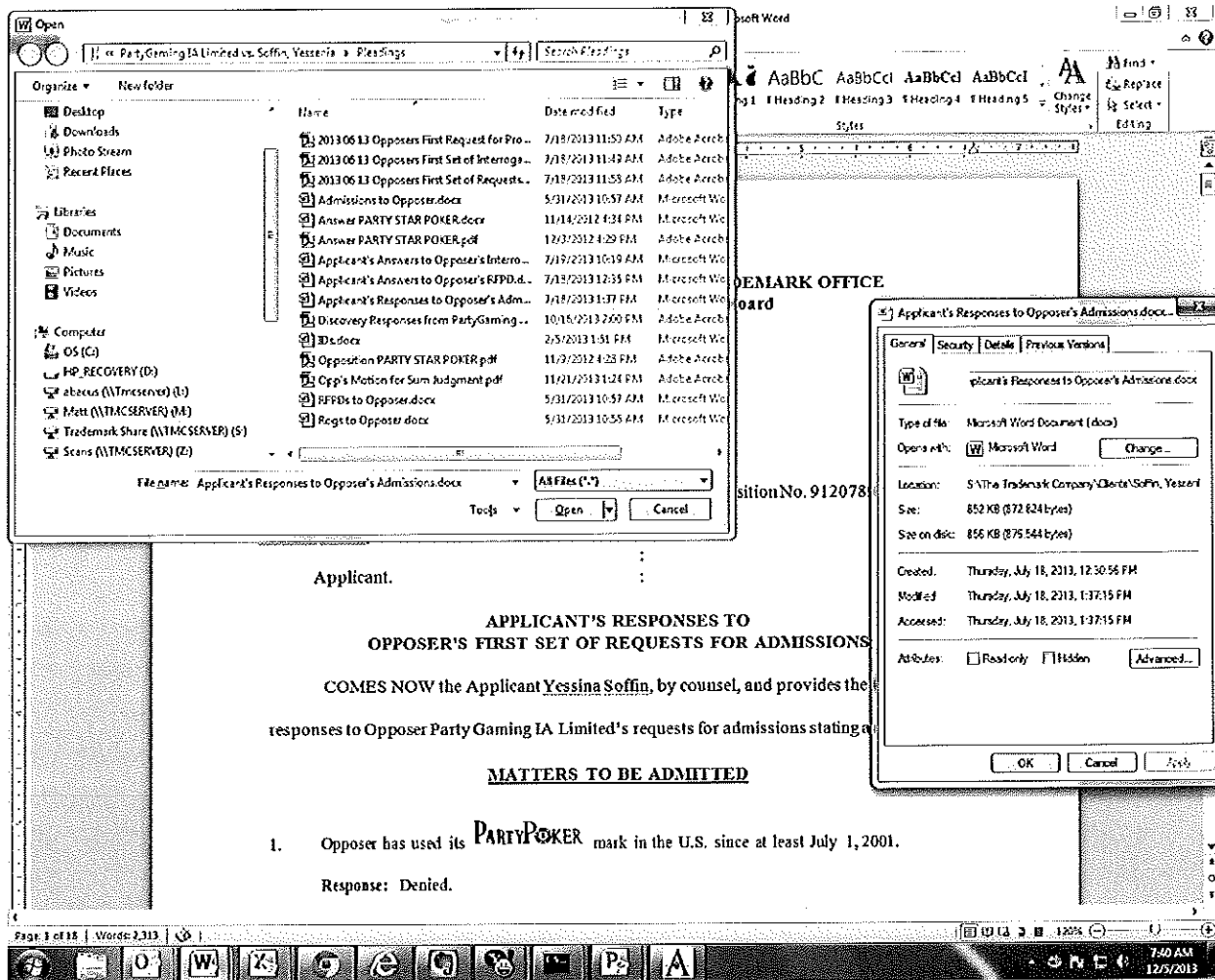
http://web.archive.org/web/20120101081311/http://www.partypoker.com/tournaments/tournament_basics.html



SPECIMEN OF USE

Rebuy

At Party Star Poker, we offer more tournaments and bigger prize pools than any other poker site. If you've never played in a poker tournament before, here's everything you need to know. The concept of a



Matthew H. Swyers

From: Danielle I. Mattessich <DMattessich@merchantgould.com>
Sent: Thursday, July 18, 2013 2:12 PM
To: mswyers@thetrademarkcompany.com
Cc: 17339.0009US01.active@ef.merchantgould.com; Scott W. Johnston
Subject: Yessenia Soffin vs. PartyGaming (Opp. No. 91207899)

RE: Yessenia Soffin vs. PartyGaming (Opp. No. 91207899)

Matt,

I received your voice mail message. We actually agreed to mutual extensions back in June, so I believe your responses are not due until September 16, 2013 (and I believe ours are due to you on September 3, 2013). Please let me know if you have a different understanding.

Danielle I. Mattessich
Attorney at Law
Merchant & Gould P.C.
3200 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2215
USA

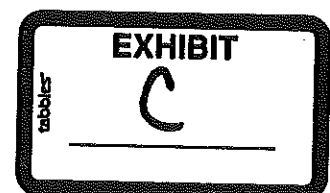
Telephone (612) 336-4725
Fax (612) 332-9081
Email dmattessich@merchantgould.com
www.merchantgould.com

Assistant: Amanda Avery | aavery@merchantgould.com | (612) 336-4712

GUARDIANS OF GREAT IDEAS[®]

Atlanta | Denver | Knoxville | Madison | Minneapolis | New York | Seattle | Washington D.C.

Note: This e-mail message is confidential and may be privileged or otherwise protected by law. If you are not the Intended recipient, please: (1) reply via e-mail to sender; (2) destroy this communication entirely, including deletion of all associated text files from all individual and network storage devices; and (3) refrain from copying or disseminating this communication by any means whatsoever. Thank you.



Matthew H. Swyers

From: Jamie Reynolds <jamier@thetrademarkcompany.com>
Sent: Friday, June 21, 2013 8:42 AM
To: 'sjohnston@merchantgould.com'
Cc: marym@thetrademarkcompany.com; ValerieK@TheTrademarkCompany.com
Subject: PartyGaming IA Limited vs. Soffin, Yessenia

Scott,

We are in receipt of your voicemail to Matt requesting a 60 day extension to respond to discovery requests and all dates for both parties. We consent to the request. Please file the motion and serve us via email.

Please confirm the new dates as follows:

Our responses were due to your office by July 18th, now will be due September 16, 2013
Your responses were due to our office by July 5th, now will be due September 3, 2013.

Thank you in advance for filing the Consent Motion to extend the trial dates by 60 days.

/Jamie R. Reynolds/
Litigation Manager
The Trademark Company
2703 Jones Franklin Road, Suite 206
Cary, NC 27518
tel. (800) 906-8626 Ext. 105
fax (919) 861-5278

Click Here to subscribe to our monthly Newsletters! Make sure to follow us for important tips and information relevant to the protection of your trademarks as well as for promotions and contests involving our services.



NOTICE: This electronic mail message and all attachments transmitted with it are intended solely for the use of the addressee and may contain legally privileged and confidential information. If the reader of this message is not the intended recipient, or if an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying to this message and please delete it from your computer.

The Trademark Company PLLC is a Virginia Professional Limited Liability Company, Matthew H. Swyers, Esq. principal. Principal admitted to practice law in the Commonwealth of Virginia and the District of Columbia. Practice limited to the federal protection of trademarks and copyrights.

